

UNITED STATES DISTRICT COURT
for the

Eastern District of North Carolina

FILED

DEC 27 2011

DENNIS P. JAVARONE, CLERK
US DISTRICT COURT, EDNC
BY CK DEP CLK

United States of America
v.
JAMES MICHAEL CALDWELL

Case No: 5:08-CR-374-IBO

USM No: 58195-056

Date of Original Judgment: 04/29/2009

Date of Previous Amended Judgment: 04/29/2009

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 46 months is reduced to 24 months

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated April 21, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date:

12-23-11


Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title